

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JONATHAN MONSARRAT,

Plaintiff,

v.

GOTPER6067-00001 and DOES 1-5,
dba ENCYCLOPEDIADRAMATICA.SE,
and BRIAN ZAIGER,

Defendants.

CIVIL ACTION NO.
1:17-cv-10356-PBS

**MOTION TO FILE SEPARATE
SCHEDULING CONFERENCE
STATEMENT**

Defendant Brian Zaiger, by and through undersigned counsel, and pursuant to Local Rule 16.1(d), hereby seeks leave to file a unilateral statement in lieu of a joint statement under such rule. Such unilateral statement is attached hereto as **Exhibit A**.

In support hereof, Defendant states that he objected to Plaintiff's inclusion of substantive argument in a proposed joint statement, whereupon Plaintiff filed a unilateral statement including the objectionable matter. (ECF No. 33). Thus, Defendant has no choice but to file his own unilateral statement. Although Defendant continues to believe it improper to include substantive argument in a Local Rule 16.1 and Fed. R. Civ. P. 26(f) statement, he has included a response to Plaintiff's substantive argument in his unilateral statement to avoid prejudice. Defendant's unilateral statement includes, otherwise, his proposed scheduling conference agenda, pretrial schedule, and discovery plan, including proposed subjects of discovery, as contemplated by the rules.

Pursuant to Local Rule 7.1(a)(2), undersigned counsel hereby certifies that, on July 7, 2017, counsel for Defendant attempted to confer with Plaintiff regarding

7/13/17

*signed
Paul B. Seab*